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April 21, 2010

Marla Greenstein, Executive Director
Alaska Commission on Judicial Conduct
1029 West Third Avenue, #550
Anchorage, AK 99501

Dear Ms. Greenstein:

After the telephone conversation with the Commission on Friday April 9 and our subsequent individual and brief conversation on April 13, the following letter will hopefully (1) update the Commission on Dr. Ha's treatment with Judge Postma; (2) clarify a number of points in my report; and (3) provide a DSM-IV diagnosis, which you requested on April 13.

First, I spoke with Dr. Ha for approximately 45 minutes on April 15. As you are aware, Dr. Ha has been Judge Postma's psychiatrist since October 2009. Dr. Ha confirmed that the sleep medications (Ambien and Sonata) do not cause rage and that Judge Postma rarely takes the sleep aides. Overall Judge Postma has been cooperative, compliant and asking for help. His medications have been working well and he feels a little calmer without the high degree of anxiety. Judge Postma's anxiety is situation specific. His anxiety increases when thinking about or discussing the work situation in Anchorage. Judge Postma is somewhat idealistic and has been disappointed with the justice system. He is working on flexibility in thinking and has some insight into his anxiety. Judge Postma has acknowledged that he could have handled a few situations differently (i.e. e-mails) and has become aware of his facial expressions. Judge Postma does not meet any of the risk factors for the potential for violence. Dr. Ha does not know how Judge Postma will manage his level of anxiety if he is constantly challenged or forced to do things he perceives as unjust. Her current working diagnoses are Anxiety Disorder and Adjustment Disorder with Obsessive-Compulsive Personality traits. A more thorough diagnostic formulation is provided at the conclusion of this update.

Second, my understanding from the Commission is that Judge Postma's position is in Anchorage and there is no viable possibility for relocation or flexibility of assignments. In light of this information, Judge Postma's level of anxiety and his fixed belief (his strongly held, non-changing perception and belief) of disparate treatment will continue to impair his ability to interact appropriately within the judicial system in Anchorage. His impairment is likely to impede his ability to function appropriately within the workplace with colleagues, peers and staff. When faced with an emotionally charged trigger, such as racial discrimination, Judge Postma is likely to decompensate and have difficulties with appropriate judgment. Racial issues are likely to be the most direct example of a trigger for his decompensation, and will likely continue to be a destabilizing issue in the future.

Judge Postma's level of anxiety has increased since his return to Anchorage earlier this month (04/05/10). This increase in anxiety will likely continue and eventually impair his ability to function in other situations and circumstances (e.g. at home, with family, with friends, while on the

bench). At this juncture, however, when the subject matter does not involve race or calendaring matters, there has been no data indicating his inability to address complex matters.

Last, you asked that I provide a DSM-IV diagnosis.

Axis I: 300.00 Anxiety Disorder NOS, with panic attacks
Axis II: V71.09 No diagnosis, Obsessive-Compulsive Personality features
Axis III: By report: high blood pressure, low vitamin D, sleep apnea (C-pap)
Axis IV: Work stress, marital discord
Axis V: GAF = 51 (at work in Anchorage)
GAF = 65 (outside of work in Anchorage)

Thank you again for the opportunity to evaluate and provide a clarification in this matter. Please do not hesitate to contact me with further questions.

Sincerely,

Marnee W. Milner, J.D., Ph.D.